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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,012	10/07/2003	Aaron Jay Diamontopoulos	Diamontopoulos.1577	6214
27547	7590	10/19/2004	EXAMINER	
MURPHEY & MURPHEY, A.P.C. 701 PALOMAR AIRPORT ROAD, SUITE 260 CARLSBAD, CA 92009			MOHANDESI, IRAJ A	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/681,012	DIAMONTOPOULOS, AARON JAY	
	Examiner	Art Unit	
	Iraj A Mohandesi	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/16/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 03/16/2004.

The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the information disclosure statement has been considered by the examiner.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings do not show the claimed invention such as , a storage means and spool cover. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13 "free body of water " is vague and indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5,7-12 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Vetorino 6,220,719**.

Regarding claim 1 **Vetorino'719** discloses an electric generation device comprising; a body (10,housing ,column 3,line 29,Fig.1) having a top side and a bottom side (see Fig.1) said body being generally cylindrical in shape (see fig.1) and further wherein said body has a opening thereon (see opening at the top Fig.1), a magnet contained within the body of the device wherein the magnet is placed in the opening of the body (12, column 2,line 56,Fig.1),a plurality of wire coil 918,column 2,line 60,Fig.1) enclosed within the body of the electric generation device to collect electron flow (see fig.1); a diode bridge connected to the wire coil wherein the wire coil leads to the diode bridge (20, column 2, line 64,Fig.5).

7. Regarding claim 2-12 and 15-20, **Vetorino'719** discloses an electric generation device comprising; opening ,which is contained between the top side and the bottom side of the body (see Fig.1 inside of the 14),a plurality of diode bridges (20)are attached to each other to transport electric power , wherein the

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diode bridge (20) transforms the flow of energy to a constant polarity for facilitation of storage of electrical power, a spool flange wherein the plurality of wire core are attached thereto (14), a spool cover (10) attached to the spool flange wherein the spool cover covers the spool flange to protect the wire core and the magnet from contaminants and destruction a diode bridge (20) to convert the electron flow to constant polarity wherein a storage means (22) for storing the power collected by the electric generation device.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Vetorino'719** in view of **Cheung 6,768,230**.

Vetorino'719 teaches all limitation of the claimed invention except for an electric generation device being inserted into the a free water and the magnet is moved in response to motion of the water .

Cheung'230 discloses a dynamic system for generation of electric power being inserted into the free water and the magnet is moved in response to motion of the water for the purpose of moving the magnet by water motion (see column 7, line 20-40).

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10. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine **Vetorino'719** electric generating device with the water moving magnet as taught by **Cheung'230** for above mentioned purpose.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A Mohandesi whose telephone number is 571-272-2028. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IM October 13, 2004



Nicholas Ponomarenko
Primary Examiner
Technology Center 2800